

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL CACOPERDO,

Plaintiff,

-against-

HARTFORD LIFE INSURANCE COMPANY,

Defendant.  
-----X

Civ. Act. No.:  
10-civ-7847 (RPP)

**DECLARATION OF  
JUAN MENDEZ**

DOCUMENT  
ELECTRONICALLY FILED

Juan M. Mendez, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the following:

1. I am currently employed as an Appeals Specialist in the Appeals Unit for Hartford Life Insurance Company (“Hartford”). I was personally involved in the review of Michael Cacoperdo’s (“Cacoperdo”) long-term disability (“LTD”) claim on administrative appeal, which included review of the applicable plan documents and the administrative record.

2. This Declaration is respectfully submitted in support of Hartford’s motion for summary judgment.

3. Annexed hereto as **Exhibit “A”** is a true and correct copy of the group insurance policy no. SR-83147923 issued by CNA Group Life Assurance Company to The Stop & Shop Supermarket Company, insuring Stop and Shop Supermarket Company Group Long Term Disability Plan, effective October 1, 2002, numbered CACOPERDO 000001 to CACOPERDO 000026.

4. Annexed hereto as **Exhibit “B”** is a true and correct copy of Hartford’s claim file, numbered CACOPERDO 000027 to 001160. The claim file constitutes the administrative record kept and maintained by Hartford in the normal and ordinary course of its business in connection

with Cacoperdo's claim for continuing LTD benefits under the Plan. Included in the claim file are documents from Hartford's Special Investigation Unit ("SIU") file.

5. Annexed hereto as **Exhibit "C"** is a true and correct copy of the surveillance video contained on CD. The SIU file and surveillance video are maintained by Hartford in the normal and ordinary course of its business in connection with Cacoperdo's claim for continuing LTD benefits under the Plan.

6. The decision to deny plaintiff Cacoperdo's claim for continuing LTD benefits was not motivated by self-interest or by a desire to avoid paying benefits. Rather, the decision was based entirely on the governing terms and provisions of the LTD Plan and the information contained in the administrative record pertaining to Cacoperdo's claim for benefits.

7. In reaching my decision on appeal as set forth in my letter dated May 28, 2010, which was reiterated in my letter dated July 15, 2010 (CACOPERDO 000266-272), I considered all documents and information submitted by or on Cacoperdo's behalf in support of his claim or otherwise obtained by Hartford during both the initial claim review and upon his administrative appeal.

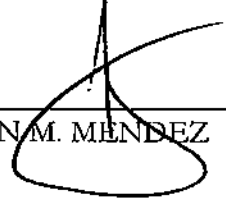
8. During my review of Cacoperdo's denied claim on administrative appeal, I did not discuss the claim with the original Investigative Specialist, Ms. Meri L. Gaston, who made the initial recommendation to terminate benefits, or with Kelly Smith, who approved Ms. Gaston's recommendation, or their supervisors.

9. During my review of Cacoperdo's denied claim on administrative appeal, I did not consider the financial impact of denying or approving his claim, or discuss that issue with anyone who works in Hartford's financial or underwriting departments.

10. As a member of the Appeals Unit at Hartford, I did not receive any remuneration, bonus, award, recognition or other incentives to uphold denied LTD claims. My performance evaluations were based on the accuracy of my decision-making regardless of whether my decision resulted in an award or denial of benefits on the claims I reviewed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 31, 2012



---

JUAN M. MENDEZ

**CERTIFICATE OF SERVICE**

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached  
**DECLARATION OF JUAN M. MENDEZ** was served **via ECF and FedEx** on this 1st day of June,  
2012, upon the following:

Jason A. Newfield, Esq.  
Frankel & Newfield, P.C.  
585 Stewart Avenue - Suite 312  
Garden City, New York 11530

Dated: New York, New York  
June 1, 2012

s/  
DANIEL M. MEIER (DM 2833)